

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) **Case No. 09-CR-043-CLK**
)
)
LINDSEY KENT SPRINGER,)
OSCAR AMOS STILLEY,)
)
Defendants.)

**RESPONSE TO DEFENDANT SPRINGER'S PREMATURELY FILED
MOTIONS**

The United States of America, by and through its attorneys, David E. O'Melia, United States Attorney for the Northern District of Oklahoma, and Kenneth P. Snoke, Assistant United States Attorney, and Charles A. O'Reilly, Trial Attorney, United States Department of Justice, hereby responds in opposition to Defendant Lindsey Kent Springer's prematurely filed motions dated March 18, 2009: Motion for Electronic Access (Docket #5); Motion for, and Memorandum in Support of Motion for, In Camera Review of Fifth Amendment Proffer (Docket #'s 6 and 7); Motion for Bill of Particulars (Docket #8). The government also requests an extension of the time for filing responses should the Court accept Defendant Springer's motions as filed.

Defendants Springer and Oscar Amos Stilley were arraigned before Magistrate Judge Paul J. Cleary on Wednesday, March 18, 2009. On the same date, and prior to arraignment, United States District Court Judge James H Payne entered an order recusing himself due to

Court conflict, and returned the case to the Court Clerk for further reassignment (Docket #9).

As of the filing of this motion, the case has not been reassigned.

For purposes of the arraignment, Magistrate Judge Cleary appointed counsel to each defendant for the purpose of that hearing only. The defendants each entered not guilty pleas and were released on bond. On March 19, 2009, Magistrate Judge Cleary ordered that, by March 30, 2009, each defendant must do one of the following:

- (1) Enter his appearance *pro se* advising the Court that the defendant intends to represent himself;
- (2) Have retained counsel enter his or her appearance on behalf of the defendant; or
- (3) Submit to the Court an appropriate Financial Affidavit signed under penalty of perjury establishing that the defendant does not have the resources to hire private counsel and asking the Court to appoint counsel to represent him (Docket #19).

Local Criminal Rule 12.1 of the United States District Court for the Northern District of Oklahoma provides in pertinent part:

D. Time of Filing in Absence of Notice. All motions shall be filed with the court clerk within such time as the court may order. Absent such special order, all such motions shall be filed with the clerk within eleven (11) days after arraignment, and a copy served contemporaneously on the United States Attorney, who shall respond within five (5) days of filing, unless a different time is fixed by statute or the Federal Rules of Criminal Procedure, or unless the court otherwise orders.

As of the date Defendant Springer's motions were filed, Defendant Springer was not represented by counsel, nor had Defendant Springer been authorized to represent himself.

THEREFORE, the United States enters its general opposition to Defendant Springer's motions, and requests that the Court enter a scheduling order setting a time for the filing of motions and responses thereto, taking into account the need for a *Farett*a hearing should either defendant elect to proceed *pro se*. Should for the Court accept Defendant Springer's motions as filed, the United States requests an extension of time to file responses with respect to each motion, as well as any subsequent motions filed prior to the issue of representation be resolved in this matter.

Respectfully submitted,

DAVID E. O'MEILIA
United States Attorney

/s/ Kenneth P. Snoke

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CERTIFICATE OF SERVICE

I hereby certify that on the 23th day of March, 2009, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Robert Williams
Temporary Attorney for Lindsey Kent Springer

Terry Weber
Temporary Attorney for Oscar Amos Stilley

and by United States Postal Service to the following defendants:

Lindsey K. Springer
5147 S. Harvard, #116
Tulsa, OK 74135

Oscar A. Stilley
7103 Race Track Loop
Ft. Smith, AR 72916

/s/ Kenneth P. Snoke
Assistant United States Attorney